

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Isis Garcia-Martinez
Council Vice President



Council Members
Katharine Cue-Fuente
Jose F. Caragol
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Minutes/Summary Agenda April 23, 2019 7:00 P.M.

Call to Order

REPORT: Council President Casáls-Muñoz called the meeting to order at 7:20 p.m.

Roll Call

REPORT: City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:

- Council President Vivian Casáls-Muñoz
- Council Vice President Isis Garcia-Martinez
- Councilman Jose Caragol
- Councilwoman Cue-Fuente
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano
- Councilman Carl Zogby

• Also present was:

- Lorena Bravo, City Attorney
- Mayor Carlos Hernandez

Invocation given by Marbelys Fatjo, City Clerk

REPORT: Marbelys Fatjo, City Clerk, led the invocation.

Pledge of Allegiance to be led by Council President Vivian Casáls-Muñoz

REPORT: Council President Casáls-Muñoz led the Pledge of Allegiance.

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.

- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by Marbelys Fatjo, City Clerk, in English and by Brigitte Leal, Administrative Aide in Spanish.

1. PRESENTATIONS

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Item L has been amended and a copy has been placed on the dais for the City Council's review.
- Consent Item Q has been added to today's agenda and placed on the dais for the City Council's review.
- Administrative Item 4A has been postponed.

3. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Council President Casáls-Muñoz requested separate discussion on Item L.

REPORT: Motion to Approve the Consent Agenda except Item L, made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.

- A. Request permission to approve the minutes of the Council Meeting held on April 9, 2019. (OFFICE OF THE CITY CLERK).

APPROVED 7-0

- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-1115, issued to D'Elite Floors of Miami, Inc., to cover the cost of additional unforeseen demolition work that was discovered once the existing locker room and bathroom walls were demolished at Milander – Ted Hendricks Stadium, by an additional amount of \$4,575, for a new total cumulative amount not to exceed \$19,485. (CONSTRUCTION & MAINTENANCE DEPT.)

APPROVED 7-0

- C. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has agreed to maintain the same prices from fiscal year 2017-2018, and increase Purchase Order No. 2019-328, issued to Super Landscape & Maintenance, Inc., for ground maintenance services to be provided at the City of Hialeah park located at 15800 NW 97th Avenue, by an additional amount of \$40,591, for a new total cumulative amount not to exceed \$370,591. On September 25, 2018 the City Council approved to use this vendor for landscaping services to various City facilities in fiscal year 2018-2019. (DEPT. OF PARKS AND RECREATION)

APPROVED 7-0

- D. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has provided this service for past projects and is familiar with the City's needs and specifications, and issue a purchase order to G. & R. Electric Corp., for the purchase of equipment and labor for the installation of twenty-one (21) cameras in the recreation center and exterior area of Slade Park, as well as six (6) cameras viewing the outdoor gym area, in a total cumulative amount not to exceed \$26,990. (DEPT. OF PARKS AND RECREATION)

APPROVED 7-0

- E. Report of Scrivener's Error – Ordinance No. 2018-111 of the City Council Meeting of October 9, 2018 was passed and adopted with errors. In the title and in Section 1 of the ordinance, the following references were omitted and should be corrected as follows:

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON SUBSTANDARD LOTS (LOTS 12 AND 13) EACH ...

Section 1. The below-described property is hereby granted a variance permit to allow construction of a single-family residence on substandard lots (lots 12 and 13) each ...

In addition, in Section 1 the address of 80 West 39 Place should be corrected as follows:

“Property located at 680 East 36 Street ...

(LAW DEPT.)

APPROVED 7-0

- F. Request permission to waive competitive bidding, since it is advantageous to the City, and

issue a purchase order to Eaton Corporation, for the purchase of replacement batteries for the UPS located in the 911 Dispatch Center, in a total cumulative amount not to exceed \$20,096.30. (INFORMATION TECHNOLOGY DEPT.)

APPROVED 7-0

- G. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-679, issued to Design Lab, Inc., to purchase new dress suits for the fifteen (15) new fire recruits hired on February 11, 2019, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$20,000. (FIRE DEPT.)

APPROVED 7-0

- H. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Oliver's Pools Inc., vendor providing the lowest quotation, for the installation of a new Renosys PVC Liner Membrane System at McDonald Water Park and Babcock Pool, in a total cumulative amount not to exceed \$370,000. (DEPT. OF PARKS AND RECREATION)

APPROVED 7-0

- I. Report of Scrivener's Error – Item B of the City Council meeting of January 22, 2019 for the porcelain tile expenditure for the 32 Units (Villa Esperanza), 29 Units and 8 Units (MLK) housing projects was incorrectly approved with the same account when there are separate account numbers for each facility. The item is being amended to reflect the correct account numbers for two of the projects as follows:

29 Unit Project: Change account number from 114.8314.554.621 to *114.8314.554.622*

8 Unit (MLK) Project: Change account number from 114.8314.554.621 to *114.8314.554.623*.

(CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANT AND HUMAN SERVICES)

APPROVED 7-0

- J. Request permission to utilize a contract between this vendor and the Florida Department of Management Services, effective through July 1, 2020, and issue a purchase order to Motorola Solutions, Inc., to purchase ninety-one (91) APX8500 all band MP mobile radios and related accessories for the Police Department with funding from the UASI 2017 grant program, in a total cumulative amount not to exceed \$372,549.63. (POLICE DEPT.)

APPROVED 7-0

- K. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints with a funding deadline of June 30, 2019, and issue a purchase order to Chiro's Construction Corporation, vendor providing the lowest quotation, for the courtyards of the 300 Unit Elderly Housing Project, in the amount of \$125,500, and further request a ten percent contingency in the amount of \$12,550 for any unforeseen issues that may arise during the project, for a total cumulative expense amount not to exceed \$138,050. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES)

APPROVED 7-0

- L. Proposed resolution providing for a Charter Review Committee; providing for method of appointment and composition of the committee; establishing the membership, term, duties and responsibilities of the committee; and providing for an effective date. (ADMINISTRATION)

APPROVED 7-0

RESOLUTION NO. 2019-041

REPORT: Lorena Bravo, City Attorney clarified Item to the City Council.

REPORT: Motion to Approve Consent Item L, made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0.

- M. Proposed resolution repealing and rescinding Hialeah Fla., Resolution 12-49 (April 24, 2012); and authorizing all depositories of public funds of the City of Hialeah, Florida, to honor any checks, claims, warrants or vouchers that bear the signature of Carlos Hernandez, as Mayor, or the Council President, pursuant to Hialeah Charter § 3.11(b), when countersigned by Christopher Chiocca, as Finance Director and City Treasurer, pursuant to Hialeah Charter § 3.11(a); and providing for an effective date. (ADMINISTRATION)

APPROVED 7-0

RESOLUTION NO. 2019-042

- N. Proposed resolution approving the Memorandum of Agreement between the City of Miami, as the sponsoring agency of the UASI Grant Program 2018, under the U.S. Department of Homeland Security's Preparing Communities for Complex Coordinated Terrorist Attacks (CCTA) Grant Program 2016 and the City of Hialeah, as participating agency; accepting the award of a sub-grant in the amount of \$9,900.00 pursuant to said Memorandum of Agreement approved planning and equipment costs identified in the program budget; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute the Memorandum of Agreement attached hereto and made a part hereof as Exhibit "1", and any other documents in furtherance hereof. (POLICE DEPT.)

APPROVED 7-0

RESOLUTION NO. 2019-043

- O. Request permission to waive competitive bidding, since it is advantageous to the City in that upon conducting an inspection of the City Hall parking garage, it was determined that the original second floor traffic membrane was deteriorated and causing water intrusion into the Communications and Special Events Department office located on the ground floor of the parking garage, and issue a purchase order to Florida Lemark Corporation, for the replacement of the traffic membrane on the second floor of the City Hall parking garage, in a total cumulative amount not to exceed \$29,000. (CONSTRUCTION & MAINTENANCE DEPT.)

APPROVED 7-0

- P. Request permission to utilize Contract No. 43211500-WSCA-15-ACS - *Computer Equipment, Peripherals & Services*, effective through March 31, 2020, between the State of Florida, Department of Management Services and Dell Marketing LP, and issue a purchase order to Dell Marketing Corporation, to purchase four (4) new servers needed for City-wide core functions within the Information Technology Department, in a total cumulative amount not to exceed \$37,307.32. (INFORMATION TECHNOLOGY DEPT.)

APPROVED 7-0

- Q. Request permission to utilize Contract No. VH11239 – *Patient Transport Cots, Stretchers and Chair Lifts/Stair Chairs*, effective through August 9, 2020, between the League of Oregon Cities and this vendor, and issue a purchase order to Ferno-Washington, Inc., to purchase power assisted stair chairs, in a total cumulative amount not to exceed \$141,678. (FIRE DEPT.)

APPROVED 7-0

4. ADMINISTRATIVE ITEMS

- 4A. ~~First reading of proposed ordinance approving an amendment to the Development Agreement by and among FDG Countyline, LLC, a Delaware Limited Liability Company, FDG BN Expansion, LLC, a Delaware Limited Liability Company, (the “Developer”) and the City of Hialeah, Florida, dated March 31, 2014 approved by Hialeah, Fla. Ordinance 2014-18 (March 25, 2014), as amended on June 19, 2018 approved by Hialeah, Fla. Ordinance No. 2018-041 (May 24, 2018); a copy of the Second Amendment in substantial form is attached hereto and made a part hereof as Exhibit “1”, providing for warehouse, retail, hotel and office uses, changes to the configuration of certain roads to be built and dedicated by developer; and approving the form of deed, manner of conveyance and restrictions upon the land. **Property comprising approximately 504 acres within an area bounded on the west by NW 107 Avenue, on the north by NW 170 Street, on the east by NW 97 Avenue and on the south by NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of industrial and located within the BDH Business Development Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED**~~

Item was approved by the Planning and Zoning Board on March 27, 2019.

- 4B. First reading of proposed ordinance accepting the Right of Way Deed attached as Exhibit “1” from F03-4, LLC, a Florida Limited Liability Company, conveying rights-of-way consisting of 35 feet in width along NW 102 Avenue to the north line of the southeast quadrant of Section 20, Township 52 South, Range 40 East (hypothetical 146 Street) with an area of approximately 19,233 square feet or 0.442 acres for public highway purposes and all purposes incidental thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

APPROVED 7-0

REPORT: Motion to Approve Item 4B made by Councilwoman Cue-Fuente, and seconded by Councilman Zogby. Motion passed 7-0. Second reading and public hearing is scheduled for May 14, 2019.

5. BOARD APPOINTMENTS

REPORT: Board Appointments were postponed until May 14, 2019 at the Mayor's request.

- 5A. ~~Proposed resolution appointing Manuel Ferrera to the City of Hialeah Charter Review Committee ("CRC") effective immediately for a term ending upon the dissolution of the CRC; and providing for an effective date. **POSTPONED**~~
- 5B. ~~Proposed resolution appointing Juan Junco to the city of Hialeah Charter Review Committee ("CRC") effective immediately for a term ending upon the dissolution of the CRC; and providing for an effective date. **POSTPONED**~~
- 5C. ~~Proposed resolution appointing Jonathan Martinez to the City of Hialeah Charter Review Committee ("CRC") effective immediately for a term ending upon the dissolution of the CRC; and providing for an effective date. **POSTPONED**~~

6. UNFINISHED BUSINESS

REPORT: NONE

7. NEW BUSINESS

- **Mayor Hernandez commented regarding the most recent count released by the Census of Hialeah residents.**
- **Council President Casáls-Muñoz requested a Resolution creating a Committee for Census review.**

8. COMMENTS AND QUESTIONS

REPORT: Mayor Hernandez commended the staff of Special Events Department for all of their hard work with the Eggstraveganza event.

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

REPORT: All were duly sworn in.

- a. Items approved by the City Council are subject to the Mayor’s approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor’s signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance rezoning property from RO (Residential Office) to B-1 (Highly Restricted Retail District). Property zoned RO. Located at **710 East 49 Street, Hialeah, Florida**. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-1-0 with Council President Casáls-Muñoz voting “No”.

ORDINANCE NO. 2019-039

<i>Item was approved on first reading by the City Council on April 9, 2019.</i>
<i>On March 27, 2019 the item was approved with conditions by the Planning and Zoning Board.</i>
<i>Planner’s Recommendation: Approve rezoning from RO to B-1, with the condition that a Declaration of Restrictions is proffered.</i>
<i>Owner of the Property: Alain Lantigua, 10021 SW 139 Street, Miami, Florida 33176.</i>

REPORT: Motion to Approve Item PZ 1 made by Council Vice President Garcia-Martinez, and seconded by Councilman Caragol. Motion passed 6-1-0 with Council President Casáls-Muñoz voting “No”.

PZ 2. First reading of proposed ordinance granting a variance permit to allow one LED reader board pylon sign on property located outside the LED geographic area; allow a sign area of 200 square feet where 120 feet is the maximum allowed; allow a height of 36 feet where a maximum of 20 feet is allowed; allow an embellishment of 4 feet symbolizing a mast above the 36 feet; and allow a 5 foot setback, where 20 feet is the minimum required; contra to Hialeah Land Development Code §§ 74-149(b), 74-149(g)(2)(b) and (c); and Hialeah Code of Ordinances § 74-218 (1)(e). Property zoned M-1 (Industrial District). **Property located at 8155 West 28 Avenue, Hialeah, Florida**; repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED AS AMENDED 7-0

<i>Registered Lobbyist/Applicant: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida 33016.</i>
<i>On April 10, 2019 the item was approved with conditions by the Planning and Zoning Board.</i>

Planner's Recommendation: Approve with condition that the sign is placed outside of the triangle of vision area, that the sign face is not placed higher than 36 feet and that the 4 feet on top of the 36 feet sign height is only improved with an embellishment representing a mast, consistent with the plans submitted with this application.

*Owners of the Property: David De La Sierra, Trustee
William De La Sierra, 2637 West 81 Street, Hialeah, Florida 33016.
Raul De La Sierra, 2637 West 81 Street, Hialeah, Florida 33016.*

REPORT: Ceasar Mestre, 8105 NW 155 Street, addressed the City Council on this item.

REPORT: Address on the proposed resolution was corrected.

REPORT: Debora Storch addressed the City Council.

REPORT: Motion to Approve Item PZ 2 made by Council Vice President Garcia-Martinez, and seconded by Councilman Caragol. Motion passed 7-0. Second reading and public hearing is scheduled for May 14, 2019.

NEXT CITY COUNCIL MEETING: Tuesday, May 14, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 28, 2019 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).